EXHIBIT 22

Page 1

1   UNITED STATES DISTRICT COURT

2   FOR THE WESTERN DISTRICT OF WASHINGTON AT SEATTLE

3   _____

4   ) Case No.

       IN RE VALVE ANTITRUST LITIGATION) 2:21-cv-00563-JCC

5   )

6   _____

7   VIDEO-RECORDED VIDEOCONFERENCE DEPOSITION UPON ORAL

8   EXAMINATION OF

9   CHRIS BOYD

10   **HIGHLY CONFIDENTIAL - ATTORNEYS' EYES ONLY**

11   _____

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14   9:02 A.M.

15   NOVEMBER 17, 2023

16   WITNESS LOCATION: BELLEVUE, WASHINGTON

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24   REPORTED BY: CARLA R. WALLAT, CRR, RPR

25   WA CCR 2578, OR CSR 16-0443, CA CSR 14423

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1                    A P P E A R A N C E S
2           (ALL PARTICIPANTS APPEARING REMOTELY)
3
4     FOR THE PLAINTIFFS:
5             ANDREW FAISMAN
              NICOLAS SIEBERT
6             JINGFEI LU
              Quinn Emanuel Urquhart & Sullivan, LLP
7             51 Madison Avenue, 22nd Floor
              New York, New York 10010
8             212.849.7000
              andrewfaisman@quinnemanuel.com
9             nicolassiebert@quinnemanuel.com
              jingfeilu@quinnemanuel.com
10
11    FOR THE DEFENDANT:
12            GAVIN W. SKOK
              Fox Rothschild LLP
13            1001 Fourth Avenue, Suite 4400
              Seattle, Washington 98154
14            206.624.3600
              gskok@foxrothschild.com
15
16
17
18
19
      ALSO PRESENT:
20
      MICK IRWIN, Videographer
21
      PEGGY OLDENBURG, Concierge Technician
22
      CHRIS SCHENCK, Valve in-house counsel
23
24
25
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 1                          I N D E X

 2   EXAMINATION BY:                                  PAGE(S)

 3   MR. FAISMAN                                         6

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 7   EXHIBITS FOR IDENTIFICATION                        PAGE

 8   Exhibit 309    gamerevolution.com article "Valve    36

 9                  Interview Pt. 4:  Devs On Steam

10                  Greenlight Replacement, Discovery

11                  Updates and Support"

12   Exhibit 310    Short Message Report, 3/10/2022      52

13                  VALVE_ANT_2785869 - 2785871

14   Exhibit 311    Email exchange, top email 8/9/2018  107

15                  from Ismail to Boyd

16                  VALVE_ANT_0406135 - 0406139

17   Exhibit 312    Email exchange, top email           118

18                  5/25/2017 from Goffin to Miller

19                  and Sarder

20                  VALVE_ANT_0052713 - 0052715

21   Exhibit 313    Email exchange, top email 5/9/2019  145

22                  from Powers to Newell and others

23                  VALVE_ANT_0094642 - 0094644

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1   it online.

2   Q.   Is it in the millions?

3   A.   We publish it online. If you want, you can go

4   look right now on the store.

5   Q.   Do you have that information in your head or

6   not?

7   A.   I don't know the exact number right now. As I

8   said, we publish it online so you can -- you can go

9   check it out.

10   Q.   And you don't know whether it's in the

11   millions?

12   A.   I mean --

13   MR. SKOK: Object to the form.

14   A.   It -- if -- if -- it is -- it is in the

15   millions, over a million users, yeah, if that's what

16   you're asking. But for an exact number, there's a --

17   we publish the exact numbers online.

18   Q.   (BY MR. FAISMAN)   So Valve takes the Steam

19   platform down and makes it unavailable for maintenance,

20   correct?

21   A.   Yes.

22   Q.   And those are what you would consider planned

23   downtimes as opposed to unplanned events, correct?

24   A.   Correct.

25   Q.   How often do those planned downtimes happen?

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1   A.   The -- the -- if I -- if I understand what

2   you're talking about correctly, there's a planned

3   weekly downtime for the backend servers.

4   Q.   And what time does that normally happen each

5   week?

6   A.   It happens on Tuesday and then it moves based

7   on daylight savings time.

8   Q.   Have there always been those weekly downtimes

9   on Tuesdays throughout the history of Steam?

10   A.   I -- I can only talk about since I joined the

11   company, and I don't remember if it's always been on

12   Tuesday.

13   Q.   Since you joined the company in 2008, have

14   there always been planned downtimes each week?

15   A.   We don't necessarily do it every week. But

16   there's certainly times that we have -- we haven't, but

17   in general, there's usually a planned weekly downtime

18   maintenance.

19   Q.   So most of the time, there's a planned weekly

20   downtime, right?

21   A.   Correct.

22   Q.   And what's the maintenance that happens during

23   those planned weekly downtimes?

24   A.   There's multiple things that can happen. But

25   the most obvious is we update the server code during

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1   that time period.

2   Q.   Can you explain what you mean by "server

3   code"?

4   A.   Sure.

5   We have the -- earlier we talked about their

6   servers and data centers. We also have Web servers.

7   And so during that period of time, we create new builds

8   or deployments and we -- we send those out.

9   Q.   Why not do that maintenance without a planned

10   downtime?

11   A.   The -- I think there's a number of reasons.

12   It's not something that I have thought about recently,

13   so I'd have to kind of, you know, think about and

14   generate a list.

15   Q.   Is there a specific component of the

16   technology stack that requires a downtime in order to

17   have new code applied?

18   MR. SKOK: Object to the form.

19   A.   Let me think about that. The -- the way that

20   some of the backend servers work, I don't know if it

21   requires it. Obviously, things can change, but the --

22   certainly, there's a component of it that makes it so

23   it's more efficient to update all the server software

24   at once.

25   Q.   (BY MR. FAISMAN)   So are you able to identify

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1   a specific technology component that Valve cannot

2   upgrade or cannot apply new code to without a downtime?

3   MR. SKOK: Object to the form.

4   A.   Yeah, some -- sure, some of our services

5   that -- the way an update usually works is to release a

6   new build, you stop the previous build and then you

7   start a new build. And so by that, it's -- there's --

8   there's a moment in there where that service is not

9   running.

10   Q.   (BY MR. FAISMAN)   And those are services

11   developed by Valve?

12   A.   Correct.

13   Q.   You're aware, generally, that many technology

14   platforms support no downtime upgrades and updates,

15   correct?

16   A.   I'm not sure what the general practice is

17   there, no.

18   Q.   Has Valve explored what it would take to apply

19   new code without downtimes?

20   MR. SKOK: Object to the form.

21   A.   That's a broad question, so I -- I don't know

22   of a direct way to answer it. Can you -- can you make

23   it a little bit more narrow?

24   Q.   (BY MR. FAISMAN)   Well, has Valve scoped out

25   the development work that would be necessary to no

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1   longer have planned weekly downtimes?

2   A.   I -- I don't believe that we've formally gone

3   through and determined that for all services, no.

4   Q.   And has Valve determined whether it's possible

5   to do that?

6   A.   I -- I think that to do that you'd kind of

7   need to formally go through and -- and inventory all

8   the pieces, and I don't know of anything off the top of

9   my head of when we -- when we've done that.

10   Q.   Now, when these planned weekly downtimes

11   happen, if somebody is connected to Steam and playing a

12   game, they're going to have their session disrupted,

13   right?

14   A.   Not always.

15   Q.   And in what cases would they have their

16   session disrupted?

17   A.   The -- what happens during that downtime is

18   dependent per a game.

19   Q.   Can you elaborate on which games would be

20   disrupted and which games would not be disrupted?

21   A.   There's -- there's lots of different instances

22   and it depends on the -- the game developer and the

23   context of what the game needs to do. For example, a

24   single-player game does not need to stop -- a session

25   does not need to stop during the downtime window.

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1   Q.   If it's a multiplayer game that's actively

2   connecting to Steam online, would that need to stop?

3   A.   What do you mean by "actively connecting"?

4   Q.   If the Steam client on the gamer's PC is

5   actively connecting to the servers that you have

6   referenced as part of the backend of Steam.

7   A.   Would -- it -- you're saying if a game is

8   connecting to our backend servers and we do an update,

9   would that game session need to stop?

10   Q.   Correct.

11   A.   That's what you're saying?

12   Not necessarily, no.

13   Q.   What are the circumstances in which it needs

14   to stop?

15   A.   The -- it -- the -- it depends on the game, as

16   I said.   And it depends on what they're doing.   So, for

17   example, if you are in a game session, there's -- it's

18   not necessary for the -- for that session to terminate.

19   You can still continue, depending on the game,

20   depending on the situation and, obviously, I can't

21   answer for all games and how they're all implemented,

22   but there's certainly cases where you could have a

23   multiplayer session that continues and it depends on

24   the other features that the game is using if those

25   will -- if those will be affected or not.

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1   Q.   So if I'm a gamer and I have a library of

2   games on my Steam account, how do I know which games

3   might be disrupted during this planned weekly downtime

4   and which games would not be disrupted?

5   A.   That's not something that I know the answer to

6   per game.   It's not a -- it's not a thing that, for

7   example, the -- that -- that is exposed in a explicit

8   way through the Steam client that I know of.

9   Q.   Are you familiar with project Greenlight?

10   A.   Yes, I'm familiar with the name.

11   Q.   Now, that was an approach that Valve had to

12   selecting which games would be published on Steam a

13   number of years ago, correct?

14   A.   It was a number of years ago.   I don't

15   remember all of the details of that and how that

16   transitioned into other features over time.

17   Q.   Is it fair to say that under the Greenlight

18   system, users were able to vote for games that they

19   would like to see published on Steam and that helped

20   determine which games were published?

21   MR. SKOK: Object to the form.

22   A.   I don't remember the individual details of

23   that testimony.   It's -- it's been a while.

24   Q.   (BY MR. FAISMAN)   And what happened after the

25   Greenlight system ended?   What came next?